

[Counsel listed on signature page.]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

This Document Relates To: All Actions

) Master File No. C-02-1486 CW

) CLASS ACTION

) **STIPULATION AND {PROPOSED}
ORDER PERMITTING PLAINTIFFS TO
FILE CORRECTED DEPOSITION
DESIGNATIONS AND FOR EXTENSION
OF TIME FOR DEFENDANTS' TO FILE
OBJECTIONS AND COUNTER-
DESIGNATIONS TO PLAINTIFFS'
DEPOSITION DESIGNATIONS**

1 WHEREAS, pursuant to the Court's August 24, 2007 Order, the parties' deposition
2 designations were to be exchanged on August 24, 2007 in accordance with the Court's Order for
3 Pretrial Preparation (see Docket No. 1373);

4 WHEREAS, on August 24, 2007, the parties timely exchanged their respective deposition
5 designations;

6 WHEREAS, on August 24, 2007, the Court issued its Order regarding the parties'
7 respective summary judgment motions, which substantially narrowed the issues in this case (see
8 Docket No. 1374);

9 WHEREAS, during the parties' September 5, 2007 meet and confer, Defendants advised
10 Plaintiffs that they believed Plaintiffs' deposition designations were overbroad;

11 WHEREAS, Plaintiffs agreed to amend and narrow their deposition designations. Those
12 revisions took Plaintiffs longer than they expected to complete, and Plaintiffs served revised
13 designations on a rolling basis from September 12-20, 2007;

14 WHEREAS, as a result of Plaintiffs' revised deposition designations, the parties agreed
15 to a stipulation and proposed order that would have extended the parties' deadline for filing
16 deposition designations and objections and counter-designations to the opposing party's
17 designations with the Court to September 28, 2007;

18 WHEREAS, pursuant to the Court's September 24, 2007 Order, the Court modified the
19 parties' stipulated deadline from September 28, 2007, to September 26, 2007 at 12:00 noon
20 (see Docket No. 1491);

21 WHEREAS, due to a technical failure with the Electronic Case Filing system on
22 September 24, 2007, the parties were unable to receive the Court's September 24, 2007 Order
23 until September 25, 2007;

24 WHEREAS, on September 26, 2007, the parties timely filed their deposition designations
25 and objections and counter-designations;

26 WHEREAS, on September 26, 2007, Defendants advised the Court by letter that, in light
27 of Plaintiffs' revised designations and the delayed receipt of the Court's September 24, 2007
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1 Order, that they would file supplemental objections and counter-designations to Plaintiffs'
2 deposition designations no later than September 28, 2007 (see Docket No. 1536);

3 WHEREAS, Plaintiffs' deposition designations filed on September 26, 2007 (see Docket
4 No. 1534) contained inadvertent errors, and did not accurately reflect the revised designations
5 exchanged with Defendants during September 12-20, 2007;

6 WHEREAS, Plaintiffs attempted to correct the deposition designations by filing an errata
7 on September 27, 2007 (see Docket No. 1545), which contained additional inadvertent errors and
8 modifications, and did not accurately reflect the revised designations exchanged with Defendants
9 during September 12-20, 2007;

10 WHEREAS, on September 28, 2007, Defendants filed a motion to strike Plaintiffs'
11 September 27, 2007 deposition designations (see Docket No. 1549) and a motion to shorten time
12 for briefing and hearing on their motion to strike;

13 WHEREAS, the parties continued meeting and conferring about the scope of Plaintiffs'
14 designations in an effort to avoid burdening the Court with unnecessary motion practice;

15 WHEREAS, on October 1, 2007, Plaintiffs provided Defendants with revised deposition
16 designations, attached as Exhibit A, which substantially modified Plaintiffs' original deposition
17 designations;

18 WHEREAS, the deposition designations attached as Exhibit A are Plaintiffs' final
19 designations and Plaintiffs will not seek a further extension of the designation deadline, nor will
20 Plaintiffs seek to further modify their designations, but Plaintiffs may designate testimony from
21 depositions that have not yet taken place;

22 WHEREAS, on October 2, 2007, the Court granted Defendants' motion to shorten time,
23 as modified, for briefing and hearing on their motion to strike plaintiffs' September 27, 2007
24 deposition designations;

25 WHEREAS, Defendants having reviewed Plaintiffs' October 1, 2007 revised
26 designations, anticipate that they will need until October 10, 2007 to prepare and file their
27 objections and counter-designations with the Court.

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1 IT IS HEREBY STIPULATED by and between the parties, through their counsel of
2 record, that:

- 3 1. Plaintiffs' deposition designations filed on September 26, 2007 (Docket No. 1534)
4 and on September 27, 2007 (Docket No. 1545) are withdrawn;
- 5 2. Plaintiffs are granted leave to file the deposition designations attached as Exhibit A;
- 6 3. Defendants shall file and serve their objections and counter-designations to Plaintiffs'
7 deposition designations no later than October 10, 2007;
- 8 4. Defendants shall withdraw their motion to strike Plaintiffs' deposition designations
9 (Docket No. 1549), if the Court allows Defendants until October 10, 2007 to file their objections
10 and counter-designations;
- 11 5. On the day after the Court so Orders this Stipulation, Plaintiffs shall file a modified
12 Witness List to reflect the deletion of any witnesses that they no longer intend to call at trial
13 (including through deposition testimony). Plaintiffs' modified Witness List shall not include any
14 new witnesses, but Plaintiffs may add witnesses to their list who are deposed subsequent to the
15 date of this Stipulation.

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17 Respectfully submitted,

18 Dated: October 2, 2007

19 LABATON SUCHAROW LLP

20 By: /s/ Anthony J. Harwood

21 Lead Counsel for Lead Plaintiff
22 Connecticut Retirement Plans and Trust Funds

23 BERMAN DeVALERIO PEASE TABACCO
24 BURT & PUCILLO

25 Liaison Counsel for Lead Plaintiff
26 Connecticut Retirement Plans and Trust Funds

1 Dated: October 2, 2007

MORRISON & FOERSTER LLP

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3 By: /s/ Philip T. Besirof

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5 Attorneys for Defendants
JDS Uniphase Corporation, Charles J. Abbe, Jozef
Straus, and Anthony Muller

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7 Dated: October 2, 2007

HELLER EHRMAN LLP

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9 By: /s/ Howard Caro

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11 Attorneys for Defendant
12 Kevin Kalkhoven

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14 IT IS SO ORDERED.

15 Dated: 10/2/07



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17 CLAUDIA WILKEN
18 United States District Judge
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1 I, Anthony Harwood, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Permitting Plaintiffs to File Corrected Deposition Designations
3 and for Extension of Time for Defendants' to File Objections and Counter-Designations to
4 Plaintiffs' Deposition Designations. In compliance with General Order 45, X.B., I hereby attest
5 that Philip Besirof, attorney for Defendants, JDS Uniphase Corporation, Charles J. Abbe, Jozef
6 Straus, and Anthony R. Muller, and Howard Caro, attorney for Kevin Kalkhoven, have
7 concurred in this filing.

8

9 Dated: October 2, 2007

LABATON SUCHAROW LLP

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By: /s/ Anthony J. Harwood
12 Counsel for Lead Plaintiff
13 Connecticut Retirement Plans
and Trust Funds

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